

Introduced by Senator Vasconcellos

February 20, 1998

An act to amend Section 3000 of, and to add Section 2052.7 to, the Penal Code, relating to parole.

LEGISLATIVE COUNSEL'S DIGEST

SB 2108, as introduced, Vasconcellos. Parolees: risk assessment and assistance.

Existing law authorizes the Department of Corrections to establish and maintain classes for inmates that provide academic and industrial education, and trade and vocational training. The department is also authorized to develop and operate work programs that enable inmates to acquire and improve work habits and occupational skills, to assist inmates who have been paroled or discharged in securing employment, and to assist inmates who are addicted to controlled substances.

This bill would require the Department of Corrections to evaluate each parolee prior to release from prison to determine whether the parolee is amenable to treatment and what type of treatment, if any, would be the most effective for that parolee. The bill would require that the evaluation be based on specified criteria, and would also require that job placement assistance and counseling be made available to all parolees whose evaluation indicates that he or she would benefit from those services.

This bill would also declare that it is a goal of the state correctional system to break the cycle of criminal recidivism, and that it is incumbent upon the correctional system to

provide access to and make every effort to ensure that inmates avail themselves of the above specified classes, counseling, and treatment services. The bill would require the department to develop an individualized treatment plan for each prison inmate to include the above classes, programs, and services.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2052.7 is added to the Penal
2 Code, to read:

3 2052.7. (a) The Legislature finds and declares that it
4 is a goal of the state correctional system to break the cycle
5 of criminal recidivism. In order to reduce the likelihood
6 that a parolee will commit new offenses upon release
7 from confinement, it is incumbent on the correctional
8 system to provide access to, and make every effort to
9 ensure that inmates avail themselves of, academic
10 education, job training, counseling, and when necessary,
11 drug and alcohol treatment and recovery. Moreover, it is
12 critical that inmates receive job placement assistance at
13 the time of release. It is the intent of the Legislature that
14 this section serve as a model for the coordination of
15 services necessary to minimize recidivism.

16 (b) The department shall develop an individualized
17 treatment plan for each inmate sentenced to the state
18 prison under Section 1170. The department shall assign
19 necessary personnel to administer each inmate's plan.
20 The plan shall include, but not be limited to, the
21 following:

22 (1) Academic training in accordance with services
23 provided under Section 2054 or any other authority
24 requiring the department to provide these services.

25 (2) Vocational education in accordance with services
26 provided under Section 2716, Chapter 6 (commencing
27 with Section 2800) of Title 1 of Part 3, or any other law
28 that provides job experience and training to prison
29 inmates.

1 (3) Counseling.

2 (4) Drug and alcohol treatment and recovery, when
3 necessary, in accordance with Section 6102, Chapter 9.4
4 (commencing with Section 6240) of Title 7 of Part 3, or
5 any other law that provides drug and alcohol treatment
6 and recovery to prison inmates.

7 (5) Assistance in job placement in accordance with
8 Section 5060.

9 SEC. 2. Section 3000 of the Penal Code is amended to
10 read:

11 3000. (a) (1) The Legislature finds and declares that
12 the period immediately following incarceration is critical
13 to successful reintegration of the offender into society and
14 to positive citizenship. It is in the interest of public safety
15 for the state to provide for the supervision of and
16 surveillance of parolees, including the judicious use of
17 revocation actions, and to provide educational,
18 vocational, family and personal counseling necessary to
19 assist parolees in the transition between imprisonment
20 and discharge. A sentence pursuant to Section 1168 or
21 1170 shall include a period of parole, unless waived, as
22 provided in this section.

23 (2) The Legislature finds and declares that it is not the
24 intent of this section to diminish resources allocated to the
25 Department of Corrections for parole functions for which
26 the department is responsible. It is also not the intent of
27 this section to diminish the resources allocated to the
28 Board of Prison Terms to execute its duties with respect
29 to parole functions for which the board is responsible.

30 (3) The Legislature finds and declares that diligent
31 effort must be made to ensure that parolees are held
32 accountable for their criminal behavior, including, but
33 not limited to, the satisfaction of restitution fines and
34 orders.

35 (4) Any finding made pursuant to Article 4
36 (commencing with Section 6600) of Chapter 2 of Part 2
37 of Division 6 of the Welfare and Institutions Code, that a
38 person is a sexually violent predator shall not toll,
39 discharge, or otherwise affect that person's period of
40 parole.

(b) Notwithstanding any provision to the contrary in Article 3 (commencing with Section 3040) of this chapter, the following shall apply:

(1) At the expiration of a term of imprisonment of one year and one day, or a term of imprisonment imposed pursuant to Section 1170 or at the expiration of a term reduced pursuant to Section 2931, if applicable, the inmate shall be released on parole for a period not exceeding three years, unless the parole authority for good cause waives parole and discharges the inmate from custody of the department.

(2) In the case of any inmate sentenced under Section 1168, the period of parole shall not exceed five years in the case of an inmate imprisoned for any offense other than first or second degree murder for which the inmate has received a life sentence, and shall not exceed three years in the case of any other inmate, unless in either case the parole authority for good cause waives parole and discharges the inmate from custody of the department. This subdivision shall be also applicable to inmates who committed crimes prior to July 1, 1977, to the extent specified in Section 1170.2.

(3) The parole authority shall consider the request of any inmate regarding the length of his or her parole and the conditions thereof.

(4) Upon successful completion of parole, or at the end of the maximum statutory period of parole specified for the inmate under paragraph (1) or (2), as the case may be, whichever is earlier, the inmate shall be discharged from custody. The date of the maximum statutory period of parole under this subdivision and paragraphs (1) and (2) shall be computed from the date of initial parole and shall be a period chronologically determined. Time during which parole is suspended because the prisoner has absconded or has been returned to custody as a parole violator shall not be credited toward any period of parole unless the prisoner is found not guilty of the parole violation. However, in no case, except as provided in Section 3064, may a prisoner subject to three years on parole be retained under parole supervision or in custody

1 for a period longer than four years from the date of his or
2 her initial parole, and, except as provided in Section 3064,
3 in no case may a prisoner subject to five years on parole
4 be retained under parole supervision or in custody for a
5 period longer than seven years from the date of his or her
6 initial parole.

7 (5) The Department of Corrections shall meet with
8 each inmate at least 30 days prior to his or her good time
9 release date and shall provide, under guidelines specified
10 by the parole authority, the conditions of parole and the
11 length of parole up to the maximum period of time
12 provided by law. The inmate has the right to
13 reconsideration of the length of parole and conditions
14 thereof by the parole authority. The Department of
15 Corrections or the Board of Prison Terms may impose as
16 a condition of parole that a prisoner make payments on
17 the prisoner's outstanding restitution fines or orders
18 imposed pursuant to subdivision (a) or (c) of Section
19 13967 of the Government Code, as operative prior to
20 September 28, 1994, or subdivision (b) or (f) of Section
21 1202.4.

22 (6) (A) *The Department of Corrections shall*
23 *evaluate each parolee prior to release from prison in*
24 *order to determine whether the parolee is amenable to*
25 *treatment and the type of treatment, if any, that would*
26 *be the most effective for that parolee. The evaluation*
27 *shall be based on, but not limited to, criminal history,*
28 *education, emotional problems, alcohol and drug abuse*
29 *dependence, and attitudinal elements.*

30 (B) *Job placement assistance and counseling shall be*
31 *made available to all parolees whose evaluation indicates*
32 *that he or she would benefit from those services.*

33 (7) For purposes of this chapter, the Board of Prison
34 Terms shall be considered the parole authority.

35 ~~(7)~~

36 (8) The sole authority to issue warrants for the return
37 to actual custody of any state prisoner released on parole
38 rests with the Board of Prison Terms, except for any
39 escaped state prisoner or any state prisoner released prior

1 to his or her scheduled release date who should be
2 returned to custody, and Section 3060 shall apply.

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